

Blumberg & Wolk, LLC
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Counsel for Defendants Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Richard C. DiVerniero, M.D., and Richard Strauss, M.D.

**UNITED STATES JUDICIAL PANEL
on
MULTI-DISTRICT LITIGATION**

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

This document relates to:

KENNETH CHANN, SR., LAURA
CHANN, et al.

Plaintiffs

v.

PREMIER ORTHOPAEDIC ASSOCIATES
SURGICAL CENTER, PREMIER
ORTHOPAEDIC SPORTS et al.

Defendants.

1:13-md-02419

**NOTICE OF POTENTIAL TAG
ALONG**

PLEASE TAKE NOTICE that, pursuant to Rule 7.1(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Defendants Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly

Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Richard C. DiVerniero, M.D., and Richard Strauss, M.D. (collectively, “Premier Defendants”) hereby gives notice to the Panel of the following action, identified on the attached schedule. A copy of the complaint and case docket is attached.

The complaint alleges injury resulting from injections of steroids manufactured by NECC and administered by the Premier Defendants. As such, it is a “tag-along” action that shares numerous common questions of fact with cases already consolidated in *In re: New England Compounding Pharmacy, Inc. Products Liability Litigation* and should therefore be transferred to the District of Massachusetts.

WHEREFORE, Defendants respectfully request transfer of the action now pending against them in the United States District Court for the District of New Jersey to the United States District Court for the District of Massachusetts.

Dated: November 13, 2015

Respectfully submitted,
BLUMBERG & WOLK, LLC

Christopher M. Wolk

By: _____
Christopher M. Wolk, Esq.

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Premier Orthopaedic Associates Surgical
Center, LLC, Kimberly Yvette Smith, M.D.,
a/k/a Kimberly Yvette Smith-Martin, M.D.,
Thomas Dwyer, M.D., Richard C.
DiVerniero, M.D., and Richard Strauss,
M.D.*

Before the Judicial Panel on Multi-District Litigation

MDL-2419

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATIONSCHEDULE OF ACTIONS*Kenneth Chann, Sr., et al v. Premier Orthopaedic Associates*

<u>Plaintiffs</u>	<u>Defendants</u>	<u>District</u>	<u>Civil Action No.</u>
1. Kenneth Chann Sr. 2. Laura Chann 3. Emiko Kaneshiki 4. Joseph Langley 5. Eldean Langley 6. Samuel Elwell 7. Helen Elwell 8. Edward Hiraldo 9. Marilyn Hiraldo (Masonet)	1. Premier Orthopaedic Associates Surgical Center, LLC 2. Premier Orthopaedic and Sports Medicine Associates of South Jersey, LLC, d/b/a Premier Orthopaedic and Sports Medicine Associates 3. Kimberly Yvette Smith, M.D. (a/k/a Kimberly Yvette Smith-Martin, M.D.) 4. John B. Catalano, M.D. 5. Thomas A. Dwyer, M.D. 6. Nitesh Bhagat, M.D. 7. Barry J. Cadden 8. Gregory Conigliaro 9. Lisa Conigliaro Cadden 10. Douglas Conigliaro 11. Carla Conigliaro 12. Glenn A. Chinn 13. Ameridose, LLC 14. GDC Properties Management, LLC 15. Medical Sales Management, Inc. 16. Medical Sales Management SW, Inc. 17. ARL Bio Pharma, Inc. D/B/A Analytical Research Laboratories 18. Liberty Industries, Inc. 19. UniFirst Corporation (d/b/a "Uniclean Cleanroom Services") 20. John Does (1-10) fictitious unknown individuals 21. John Doe(s) Corporations (1-100) fictitious unknown corporations 22. JOHN DOE(S) Business Entities (1-100), fictitious unknown non corporation business entities 23. John Doe(s), M.D. (1-100) fictitious unknown medical doctors	D.N.J.	15-cv-3690

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Notice of Tag-Along and exhibits attached thereto, filed through the CM/ECF system, were made accessible to those attorneys who are registered with the JPML's electronic filing system, and Notice of Electronic Filing (NEF) was sent to those parties by operation of the CM/ECF system.

Dated: November 13, 2015

Respectfully submitted,
BLUMBERG & WOLK, LLC

By: Christopher M. Wolk, Esq.
Christopher M. Wolk, Esq.

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